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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/964,065

Applicant: Kovesdi et al.

Filed: September 26, 2001

TC/AU: 1633

Examiner: S.D. Priebe

Docket No.: 213257

Customer No.: 23460

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR WITHDRAWAL OF TERMINAL DISCLAIMER
UNDER 37 CFR § 1.182**

Sir:

In accordance with the provisions of 37 C.F.R. § 1.182, Applicants hereby petition for withdrawal of the Terminal Disclaimer filed in connection with the subject application on March 12, 2003, over U.S. Patent Application No. 08/757,023, which issued as U.S. Patent 5,994,106 ("the '106 patent") on November 30, 1999.

The Terminal Disclaimer was filed in response to an obviousness-type double patenting rejection over the claims of U.S. Patent Application No. 08/757,023, which issued as the '106 patent. Subsequently, the '106 patent was the subject of Interference No. 105,046, in which an adverse judgment was rendered against all of the claims of the '106 patent. Accordingly, the claims of the '106 patent are no longer in force, and the basis of the obviousness-type double patenting rejection is no longer present.


As a result, the Terminal Disclaimer is no longer necessary, and Applicants respectfully request its withdrawal.

Please charge the petition fee of \$130.00 required by 37 C.F.R. § 1.17(h) to Deposit Account No. 12-1216. Any additional fee which may be due or any other charges in

connection with the submission of this Petition also should be charged to Deposit Account No. 12-1216. A duplicate copy of this communication is enclosed for that purpose.

The undersigned is empowered to act on behalf of the Assignee.

Respectfully submitted,



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Date: November 8, 2005